

1 LYSSA S. ANDERSON  
2 Nevada Bar No. 5781  
3 RYAN W. DANIELS  
4 Nevada Bar No. 13094  
5 KAEMPFER CROWELL  
6 1980 Festival Plaza Drive, Suite 650  
7 Las Vegas, Nevada 89135  
8 Telephone: (702) 792-7000  
9 Fax: (702) 796-7181  
10 [landerson@kcnvlaw.com](mailto:landerson@kcnvlaw.com)  
11 [rdaniels@kcnvlaw.com](mailto:rdaniels@kcnvlaw.com)

12 *Attorneys for Defendant*  
13 *Las Vegas Metropolitan Police Department*

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 DOUGLAS SEYMOUR,  
17 Plaintiff,  
18 vs.  
19 JOHNNY WOODRUFF; and LAS VEGAS  
20 METROPOLITAN POLICE DEPARTMENT'  
21 and JOHN DOES 1 to 50, inclusive,  
22 Defendants.

23 Case No. 2:20-cv-00937-RFB-VCF

24 **STIPULATION TO EXTEND  
DISPOSITIVE MOTION DEADLINE  
(First Request)**

25 Pursuant to LR 6-1 and LR 26-4, Defendant, Las Vegas Metropolitan Police Department  
26 ("LVMPD"), Defendant, Johnny Woodruff ("Woodruff") and Plaintiff, Douglas Seymour  
27 ("Seymour") by and through their respective counsel, hereby stipulate, agree, and request that this  
28 Court extend the dispositive motion deadline from the current date of November 3, 2021 as the  
29 parties are actively involved in settlement discussions which may alleviate the need to file any  
30 dispositive motions.

31       ///

32       ///

1           **A.     Discovery Completed to Date**

2           The parties have exchanged their initial Rule 26 Disclosures. Defendant Las Vegas  
3           Metropolitan Police Department (“LVMPD”) has provided six additional supplemental  
4           disclosures; Plaintiff has provided one additional supplemental disclosure; and Woodruff  
5           provided a supplemental disclosure. All parties served and responded to various written  
6           discovery. LVMPD served various third-party subpoenas which following litigating Motions to  
7           Quash filed by Plaintiff, responses have been received and disclosed.

8           The depositions of Woodruff, a third-party, Sgt. Jonathan Robinson and the Plaintiff  
9           were taken. An IPE of Plaintiff was conducted. The parties timely disclosed expert reports.

10          **B.     Discovery Remaining to be Completed**

11          No further discovery is needed.

12          **C.     Reason for Request for Extension of Dispositive Motion Deadline**

13          As stated above, the parties are discussing settlement which would resolve this matter in its  
14          entirety. The parties wish to conserve resources at this time as in the event the parties are able to  
15          reach resolution, there will be no need to file dispositive motions.

16          **D.     Proposed Extended Deadline for Dispositive Motions**

17          Accordingly, the parties respectfully request that this Court enter an order as follows:

18           (1) Dispositive Motions.

19          The parties request the current deadline of November 3, 2021, be extended to November 17,  
20          2021.

21          The parties recognize that they are making this request fewer than twenty-one days  
22          before the current dispositive motion deadline of November 3, 2021, however the parties submit  
23          that good cause and excusable neglect exists for the delay.

24          ///

1 LR 26-3 states in relevant part:

2 A motion or stipulation to extend a deadline set forth in a discovery plan  
3 must be received by the court no later than 21 days before the expiration  
4 of the subject deadline. A request made within 21 days of the subject  
5 deadline must be supported by a showing of good cause. A request made  
after the expiration of the subject deadline will not be granted unless the  
movant also demonstrates that the failure to act was the result of  
excusable neglect.

6 In evaluating excusable neglect, the court considers the following factors: (1) the reason  
7 for the delay and whether it was in the reasonable control of the moving party, (2) whether the  
8 moving party acted in good faith, (3) the length of the delay and its potential impact on the  
9 proceedings, and (4) the danger of prejudice to the nonmoving party. *See Pioneer Inv. Servs.  
Co. v. Brunswick Assocs.*, 507 U.S. 380, 395 S. Ct. 1489, 123 L.Ed.2d 74 (1993).

11 There is good cause for the requested brief extension as shown above. The parties have  
12 conducted all discovery in this matter and at the conclusion of discovery, the parties began  
13 settlement discussions. The discussions only recently commenced so the parties were not aware  
14 twenty-one (21) days ago that an extension would be necessary. The parties need additional  
15 time to negotiate without spending additional fees, resources and time in the preparation of  
16 dispositive motions.

17 / / /

18 / / /

19 / / /

20 / / /

21 / / /

22 / / /

23 / / /

24 / / /

1        This request for an extension is made in good faith and joined by all the parties in this  
2 case. Trial is not yet set in this matter and dispositive motions have not yet been filed.  
3 Accordingly, this extension will not delay this case. Moreover, this Request will allow the  
4 parties to possibly resolve this matter in its entirety.

5        DATED this 27th day of October, 2021.

6 KAEMPFER CROWELL

PETER GOLDSTEIN LAW CORP

7 By: /s/ Lyssa S. Anderson  
8 LYSSA S. ANDERSON  
Nevada Bar No. 5781  
RYAN W. DANIELS  
Nevada Bar No. 13094  
1980 Festival Plaza Drive  
Suite 650  
Las Vegas, Nevada 89135  
11 **Attorneys for Defendant**  
**Las Vegas Metropolitan Police**  
**Department**

12  
13 By: /s/ Peter Goldstein  
Peter Goldstein  
Nevada Bar No. 6992  
10161 Park Run Dr., Ste. 150  
Las Vegas, NV 89145  
**Attorneys for Plaintiff**

14 MCNUTT LAW FIRM, P.C.

15 By: /s/ Daniel R. McNutt  
16 DANIEL R. MCNUTT  
Nevada Bar No. 7815  
MATTHEW C. WOLF  
Nevada Bar No. 10801  
625 South Eighth Street  
Las Vegas, Nevada 89101  
17 **Attorneys for Defendant**  
**Officer John Woodruff**

19 **ORDER**

20 IT IS SO ORDERED.



21  
22 UNITED STATES MAGISTRATE JUDGE  
23 Dated this 28th day of October 2021.  
24

Luisa M. Cota  
Legal Assistant to Lyssa Anderson, Ryan Daniels and Kristopher Kalkowski  
Kaempfer Crowell  
1980 Festival Plaza Drive, Suite 650  
Las Vegas, NV 89135-2958  
Tel: (702) 792-7000  
Fax: (702) 796-7181  
Email: [lcota@kcnvlaw.com](mailto:lcota@kcnvlaw.com)

| [WEBSITE](#) |

 Please consider the environment before printing this email

This e-mail communication is a confidential attorney-client communication intended only for the person named above. If you are not the person named above, or the employee or agent responsible for delivery of the following information, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (702) 792-7000. Also, please e-mail the sender that you have received the communication in error. We will gladly reimburse your telephone expenses. Thank you.

IRS Circular 230 Notice: To ensure compliance with requirements imposed by the IRS, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

---

**From:** Dan McNutt [<mailto:drm@mcnuttlawfirm.com>]  
**Sent:** Wednesday, October 27, 2021 3:42 PM  
**To:** Peter Goldstein <[peter@petergoldsteinlaw.com](mailto:peter@petergoldsteinlaw.com)>; Wendy Applegate <[WApplegate@kcnvlaw.com](mailto:WApplegate@kcnvlaw.com)>  
**Cc:** Matt Wolf <[mcw@mcnuttlawfirm.com](mailto:mcw@mcnuttlawfirm.com)>; Lyssa Anderson <[landerson@kcnvlaw.com](mailto:landerson@kcnvlaw.com)>; Kristopher Kalkowski <[KKalkowski@kcnvlaw.com](mailto:KKalkowski@kcnvlaw.com)>; Luisa Cota <[LCota@kcnvlaw.com](mailto:LCota@kcnvlaw.com)>; Toni Gesin ([toni@petergoldsteinlaw.com](mailto:toni@petergoldsteinlaw.com)) <[toni@petergoldsteinlaw.com](mailto:toni@petergoldsteinlaw.com)>  
**Subject:** Re: LVMPD/Seymour

Ok to file with my signature.

**DM**

---

**From:** Peter Goldstein <[peter@petergoldsteinlaw.com](mailto:peter@petergoldsteinlaw.com)>  
**Date:** Wednesday, October 27, 2021 at 3:34 PM  
**To:** Wendy Applegate <[WApplegate@kcnvlaw.com](mailto:WApplegate@kcnvlaw.com)>  
**Cc:** Dan McNutt <[drm@mcnuttlawfirm.com](mailto:drm@mcnuttlawfirm.com)>, Matt Wolf <[mcw@mcnuttlawfirm.com](mailto:mcw@mcnuttlawfirm.com)>, Lyssa Anderson <[landerson@kcnvlaw.com](mailto:landerson@kcnvlaw.com)>, Kristopher Kalkowski <[KKalkowski@kcnvlaw.com](mailto:KKalkowski@kcnvlaw.com)>, Luisa Cota <[LCota@kcnvlaw.com](mailto:LCota@kcnvlaw.com)>, "Toni Gesin ([toni@petergoldsteinlaw.com](mailto:toni@petergoldsteinlaw.com))" <[toni@petergoldsteinlaw.com](mailto:toni@petergoldsteinlaw.com)>  
**Subject:** Re: LVMPD/Seymour

You have me permission to affix my e-signature and file.

Peter